

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMILY EVANS and MELANIE WELCH,

Plaintiffs,

v.

Case No. 21-10575

CITY OF ANN ARBOR, *et al.*,

Defendants.

OPINION AND ORDER DISMISSING REMAINING CLAIM

Plaintiff Emily Evans and her mother Melanie Welch initially brought this action against several Defendants, including individuals and companies that provided Plaintiff Evans electrical and insulation work for her house, lawyers representing those companies and individuals, the City of Ann Arbor, Ann Arbor officials, and judicial officers of the Washtenaw County Circuit Court. (ECF No. 57.) On February 25, 2022, the court dismissed Plaintiffs' federal claims against all Defendants except one—Property Management Specialists, Inc, and the court declined to exercise supplemental jurisdiction over Plaintiffs' state law claims. (ECF No. 126.) Further, the court ordered Plaintiffs to show cause why the remaining claim (Count V) brought against Defendant Property Management Specialists ("PMSI") should not also be dismissed for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). (See ECF Nos. 126, 156.) Plaintiff has filed a response to the court show cause order on August 11, 2022, (ECF No. 157), and subsequently, on August 17, 2022, the court denied Plaintiffs' motion to file a second amended complaint. (See ECF No. 158.)

Consequently, the only cause of action remaining from the complaint is Plaintiffs' claim against Defendant PMSI under Count V. In their response to the show cause order, Plaintiffs concede that both the legal theory and factual basis undergirding Count V are so intertwined with their other dismissed claims that "[i]n the event the court denies Plaintiffs' motion for leave to file a [Second Amended Complaint], Plaintiffs' acknowledge that Count V cannot survive." (ECF No. 157, PageID.12759.) Because the court has already denied the motion to amend,

IT IS ORDERED that Count V of Plaintiffs' Amended Complaint (ECF No. 57) against Defendant PMSI is DISMISSED WITH PREJUDICE.

Inasmuch as all claims have not been resolved, the court will issue a separate judgment.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 19, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 19, 2022, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522